

1887-030 Chancery Causes: John B. McLin vs. A. D. Thompson &
Lee Co.

Surgener, Weston, Jayne

CA-Debt
T-Property

To the Hon. St. L. K. Morrison Judge of the Circuit
Court of Lee County Virginia:

Humbly complaining your Orator John B. McLean
a citizen of said County would respectfully shew
unto your Honor that on the first day of May 1886
he obtained before a justice of the peace for said County a
judgment at law against one A. D. Thompson for the
sum of \$14.85 with legal interest thereon from the 13th
day of Nov 1885 till paid and cost amounting to \$1.55 &
said judgment is herewith filed as part hereof marked (A) &
on the 15th day of May 1886 he obtained a second judgment
at law against the same party for \$4.88 with legal inter-
est thereon from the 14th day of May 1882, till paid and
cost amounting to \$1.55 & this judgment is herewith filed marked (B)

Your Orator further states that one R. M. Bales on the
25th day of Oct. 1886 also obtained a judgment at law
against said A. D. Thompson for \$10.00 with legal interest there-
on from the 5th day of May 1880 till paid and cost
amounting to \$1.55 & this judgment is herewith filed marked (C)

On the 29th day of Oct 1886, said R. M. Bales assigned said
judgment at law to your Orator as will appear by his writ-
ten assignment on the back thereof. On said three judg-
ments at law executions were issued, and placed in the
hands of an officer to be levied and collected according
to law, but the officer charged with that duty instead
of doing so returned each of them "No property found"

Your Orator further states that each and every part of
said three judgments at law is now due and owing to
him, no part of either having at any time been paid to
him, or said R. M. Bales before said assignment of said
third judgment.

Your Orator states that about the 8th day of Sept 1886
he gave notice to said A. D. Thompson that unless the just
two judgments herein set out, should be paid him, within
60 days then next ensuing, that a bill in chancery
would be filed in this honorable Court against him, to enforce
the lien thereof and he subjected to the costs of such suit,
and this notice is herewith filed marked (D);

Your Orator now states that said A. D. Thompson is the
owner and has in his possession a small tract of land
lying on the waters of Yellow Branch about 13 miles west of
Jonesville which he purchased from A. R. Surgenor during
his life time & paid him for the same, containing acres
and adjoining the lands of Catherine James & others, and the title
to which at the death of said Surgenor descended to his
widow & heirs at law to wit. Nancy Surgenor, James E.
Surgenor, Weston wife of Wm. Weston & James
wife of James H. Jayne; and S. S. Surgenor Jr.

Your Orator states that said three judgments operate as liens on said Thompasons real estate and that the rents and profits thereof will not in five years time pay the same, and that in a court of equity he is entitled to the right to have the lien of said judgments enforced by a sale of said real estate to satisfy the same, and to obtain that relief is the object of this bill;

The premises considered Your Orator prays that said A. D. Thompson James E. Sangerman, S. S. Sangerman jr. Wm. Weston & Weston James H. Sangerman & Nancy Sangerman be made defendants to this bill and be required to answer the same on oath & on a hearing thereof a decree be entered in favor of your Orator decreeing said land to be sold to pay your Orator said three judgments and if in any wise mistaken in this his Special prayer then your Orator prays for all general relief, May the Commission of the writ of Habeas Corpus be directed to.

Henry J. Morgan for Plaintiff

C 4.87
8 1.00

\$5.87

John B. Malin

as } Bill To En. Lin of Judge

A. D. Thompson tel

1887 Febry Bill Filed Spw

Executed & D. Nisi

" March D. N. Confirmed
& Cause set for hearing

Bales & Robinson Sec. or. Pff

vs.

A. D. Thompson & others

Defts

John B. McLin

Pff

vs.

The Same

Defts

G. B. Bales

Pff

vs.

The Same

Defts.

For reasons appearing to the court. these three causes are brought on to be heard together. And therefore the same came on to be heard on the respective bills of the Pffs and the exhibits therewith and the answer of the defendant A. D. Thompson in the first cause & Replication thereto was argued by counsel. On consideration of all which, it is adjudged ordered and decreed that the Pffs in the first cause recover against the deft A. D. Thompson the sum of \$12.50 with legal interest on \$4.00 part thereof from the 31st day of May 1885 and the like interest on \$5.10 another part thereof from the 6th day of Nov. 1885 till paid, That the plaintiff John B. McLin recover against said A. D. Thompson the sum of \$34.38 with legal interest on \$14.85 part thereof from the 13th day of Nov. 1885 and the like interest on \$4.88 another part thereof from the 14th day of May 1882, and the like interest on \$10.00 another part thereof from the 5th day of May 1880 till paid. And it is further adjudged that each of said plaintiffs recover their cost claim to this time against said Thompson

That G. B. Bales the plaintiff in the 3rd cause recover against said A. D. Thompson the sum of \$18.00 with legal interest on \$7.00 thereof from Dec 23 1885 till paid

with this exception that but one attorney is to be taxed
and for the future said three causes are to be treated
as one cause only. And unless said debts shall be
paid the plaintiffs respectively within 20 days from
the rising of the court, then the tract of land in the bills
mentioned, shall be rented out to the highest bidder at
public auction at the front door of the court house on same
court day, for the shortest space of time that the same
will yield the requisite sum, provided the same shall
not exceed five years. Notice of this leasing shall be
given 30 days prior thereto. Showing time terms & place thereof
at this leasing so much cash as will pay said costs & the
expense of leasing shall be paid in hand, and the residue
shall be paid annually ^x thereafter with interest from
date of renting and the lessee is required to give good
bond with approved security for the deferred payments.
And St. J. Morgan is appointed a com. to execute
this decree who before doing so is required to give
bond before the clerk of this court with good security
in the penalty of \$150. with condition to account for
all money he may receive in the causes, and he
will report his action to the court and the cause is
continued.

Bales Robinson Survival

no. { Dec. No. 1.

A. D. Thompson tel.

Entered page 6 & 7

Enter this
29 March 1887.

H. S. K. M.

VIRGINIA--Lee County, to wit:

To Samuel S Rose, Constable of said County:

I Hereby Command You to Summon A D Thompson, if to be found in your District, to appear at Bay's Harbor in said County, on the 15 day of May 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of J B McLin and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 14.85 due by Note. And then and there make return of this Warrant. Given under my hand the 8 day of May, 1886.

Peter Bay's, J. P.

John B McLin

Against.

A D Thompson

On the 1 day of May, 1886.
In Debt.

At Bay's Harbor, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 14.85, with interest thereon from the 13 day of Nov, 1886, till paid, and \$ 1.00 for costs.

Peter Bay's, J. P.

VIRGINIA---Lee County To Wit:

To Samuel S Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of A D Thompson, in your County, you cause to be made the sum of \$ 14.85 with interest thereon from the 13 day of November, 1886, till paid, which J B McLin has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said J B McLin for costs in prosecuting said Warrant. Given under my hand 15 day of May, 1886.

Peter Bay's, J. P.

G. B. Melvin 146.

U.S. Warrant

A. S. Thompson

Executed by

S. S. Rose c.l.c.

Only the 14 1886

Returned no

property found

S. S. Rose. c.l.c.

Docketed Sept 2 1886

J. R. Gibson c.l.c.

A

VIRGINIA--Lee County, to wit:

To Samuel S Rose, Constable of said County:

I Hereby Command You to Summon A. D. Thompson, if to be found in your District, to appear at Bays and Harbors in said County, on the _____ day of _____ 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of J. B. McLin and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 4 88 due by Note. And then and there make return of this Warrant. Given under my hand the 8 day of May, 1886.

Peter Bays J. P.

J. B. McLin

Against.

A. D. Thompson

On the 15 day of May, 1886.

In Debt.

At Bays & Harbors, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 4 88, with interest thereon from the 14 day of May, 1886, till paid, and \$ 1.00 for costs.

Peter Bays J. P.

VIRGINIA--Lee County To Wit:

TO Samuel S Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of A. D. Thompson in your County, you cause to be made the sum of \$ 4.88 with interest thereon from the 14 day of May, 1886 till paid, which J. B. McLin has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said J. B. McLin for costs in prosecuting said Warrant. Given under my hand 15 day of May, 1886.

Peter Bays J. P.

J. B. McLean
V. S. Murrie
A. S. Thompson

Executed by

S. S. Rose Const

July 14th 1886

Returned

property found

S. S. Rose, C. C.

Dacht Sept. 2 1886

J. R. Gibson & Co

(B)

VIRGINIA--Lee County, to wit:

To Samuel S. Rose, Constable of said County:

I Hereby Command You to Summon A. D. Thompson & C. B. Gray, if to be found in your District, to appear at Bay's store, in said County, on the 20 day of October 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of R. M. Bales and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$10.00 due by Note. And then and there make return of this Warrant. Given under my hand the 18 day of October, 1886.

Peter Bays, J. P.

R. M. Bales

Against.

On the 25 day of October, 1886.
In Debt.

A. D. Thompson & C. B. Gray

At Bay's store, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$10.00 with interest thereon from the 5 day of May, 1880, till paid, and \$1.00 for costs.

Peter Bays, J. P.

VIRGINIA---Lee County To Wit:

TO Samuel S. Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of A. D. Thompson & C. B. Gray, in your County, you cause to be made the sum of \$10.00 with interest thereon from the 5 day of May, 1880, till paid, which R. M. Bales has recovered before me in a Warrant in Debt, and also the sum of \$1.00 which were adjudged to said R. M. Bales for costs in prosecuting said Warrant. Given under my hand 25 day of October, 1886.

Peter Bays, J. P.



R. M. Bales
vs^o Warrant
A. D. Thompson
H. C. B. Gray

Executed by
S. S. Rose, C. L. C.
No property
found ~~is~~ ^{is} ~~there~~ ^{there}

I hereby assign the
nothing over to J. B.
McLain

R. M. Bales
Dec 29 1888

(6)

Mr A.D. Thompson.

The undersigned on the 1st and 15th days of May 1886 obtained two judgments against you one for \$14.85 with interest from Nov. 13 1885 and \$1.00 cost & the other for \$4.88 with interest from May 14 1886 till paid & \$1.00 cost and the executions which issued thereon has been returned & no property found, and the same being wholly unpaid. Notice is therefore given you that unless said judgments are paid within 60 days a bill ~~will~~ ^{is} chancery in the Circuit Court of Lee County will be filed against you to enforce payment by sale of your land & you subjected to the cost thereof

yours &c

John B. McLean Esq
attn - H. J. Morgan

John B. McLean

vs { Notice

A. D. Thompson

Executed on Tuesday
Sept. the 8th 1886 by delivering
to A. D. Thompson a copy of
the within notice

J. H. Ewing deputy,
for A. D. Flemerly S. L. S.

D

Executed on
8 1886

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

A. D. Thompson,
Nancy Surgenor, James C. Surgenor, S. S.
Surgenor & William Weston & Susan Weston, James
O. Gayne & Sarah Gayne

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *February* next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against *them*, by

John B. McLin

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *26th* day of *January* 188*7* in
the 1*1th* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

H. J. M.

John B. McLin

vs { Spain Chcy

A. D. Thompson et al

To Feby Rules 1887

Executed by deliver-
ing office copies of
this ~~Spec.~~ to A. D.
Thompson Feby 3/887

J. H. C. Deputy
for R. D. Flanagan & Co